

# HOUSE BILL No. 1276

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-33-8-3.5.

**Synopsis:** Bail. Defines "sexually violent predator defendant" as a person charged with the commission of a sex or violent offense who is a sexually violent predator. Allows a sexually violent predator defendant to be released on bail only after a hearing in open court, and requires a court releasing a sexually violent predator defendant on bail to consider whether certain statutory factors warrant exceeding applicable court or county bail guidelines.

**Effective:** July 1, 2008.

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January 15, 2008, read first time and referred to Committee on Judiciary.

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Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

## HOUSE BILL No. 1276

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 35-33-8-3.5 IS ADDED TO THE INDIANA CODE  
2       AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3       1, 2008]: **Sec. 3.5. (a) This section applies only to a sexually violent**  
4       **predator defendant.**

5       **(b) As used in this section, "sexually violent predator**  
6       **defendant" means a person who:**

7               **(1) is a sexually violent predator under IC 35-38-1-7.5; and**

8               **(2) is arrested for or charged with the commission of an**  
9               **offense that would classify the person as a sex or violent**  
10              **offender (as defined in IC 11-8-8-5).**

11       **(c) A court may not admit a sexually violent predator defendant**  
12       **to bail until the court has conducted a bail hearing in open court.**  
13       **Except as provided in section 6 of this chapter, the court shall**  
14       **conduct a bail hearing not later than forty-eight (48) hours after**  
15       **the sexually violent predator defendant has been arrested.**

16       **(d) At the conclusion of the hearing described in subsection (c),**  
17       **the court shall consider whether the factors described in**



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- 1 **IC 35-33-8-4 warrant the imposition of a bail amount that exceeds**
- 2 **court or county guidelines, if applicable.**

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